IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 18775 of 1994

Between:

1. A. Raghava Reddy S/o Ram Reddy, R/o Thummilur (V), Kollipara (M), Guntur Dist.
2. A. Vema Reddy S/o RamaReddy, R/o Thummilur (V), Kollipara (M), Guntur Dist.
3. Subba Reddy S/o Veera Reddy, R/o Thummilur (V), Kollipara (M), Guntur Dist.
4. Bommu Venkata Subbamma W/o Rami Reddy, R/o Thummilur (V),

Kollipara Mandal, Guntur Dist.
5. Bommu Nagi Reddy S/o Rami Reddy, R/o Thummilur (V), Kollipara (M), Guntur Dist.
6. K. Thulasamma, R/o Thummilur (V), Kollipara (M), Guntur Dist.
7. A. Brahmananda Reddy S/o Venkata Reddy R/o Thummilur (V), Kollipara (M), Guntur Dist.
8. A. Venkata reddy, S/o Brahmananda Reddy,R/o Thummilur (V), Kollipara (M), Guntur Dist.
9. G. Subba rao S/o Venkaiah, R/o Thummilur (V), Kollipara (M), Guntur Dist.

..... PETITIONERS

AND

1 The District Collector, Guntur
2 The R.D.O., Tenali (L.A.O), Guntur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the land acquisition proceedings of the 1st respondent in his Proceedings RC.No.292/94-W2 of the 1st respondent as published in Guntur District Gazette Extraordinary dated 13-9-1994 insofar as S.No.372/1, to the extent of Ac.7.00 as illegal, arbitrary and opposed the established principles of law.

Counsel for the Petitioners: MR.S.VENKATESWARA RAO
Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the land acquisition proceedings of the first respondent in his proceedings RC.No.292/94-W2 published in Guntur District Gazette Extraordinary, dated 13.09.1994 insofar as S.No.372/1, to the extent of Ac.7.00, as illegal and arbitrary.

The petitioners submit that they are small farmers and the first respondent, who sought to acquire the lands of the petitioners, issued proceedings in R.C.No.292/94-W2, which was published in Guntur District Gazette Extraordinary on 13.09.1994 and trying to dispossess the petitioners from their lands in spite of requests made by them to drop the said proceedings.

The petitioners are said to be the small farmers. The record shows that this Court by order dated 04.11.1994 granted the interim order in W.P.M.P.No.23019 of 1994 as under:

> "Pending further orders, the petitioners shall not be dispossessed of their land, which is the subject matter of acquisition. However, the authorities concerned are not in any way precluded from conducting and completing the Section 5-A enquiry".

The learned Government Pleader submits that in view of the aforesaid interim order, the respondents might not have proceeded further.

Under the above circumstances, without going into the merits of the case, I consider it appropriate to dispose of the writ petition with a direction to the respondent-authorities to proceed as per law in compliance with the aforesaid interim order passed by this Court. It is made clear that if the respondent-authorities have not conducted enquiry under Section 5-A of Land Acquisition Act, the petitioners are at liberty to make appropriate representation before the concerned authorities raising all the objections which were raised in this writ petition if they so desire, within a period of four weeks from the date of receipt of a copy of this order. As and when such representation is made, the respondents are directed to dispose of the said representation, within a period of eight weeks thereafter. Till such time, the interim order passed by this Court with reference to the stay of dispossession, shall continue if the petitioners are still in possession of the lands as on today.

The writ petition is accordingly disposed of. No costs.

_____

15th July, 2004

***Nsr**

To

1 The District Collector, Guntur
2 The R.D.O., Tenali (L.A.O), Guntur Dist.

3. Two CCs to GP for Social Welfare, High Court Buildings, Hyderabad (OUT)

4. Two CD copies.